

**Little Traverse Bay Bands of Odawa Indians
Tribal Council Chambers
7500 Odawa Circle, Harbor Springs, MI 49740**

Tribal Council Regular Meeting
September 28, 2017

Call to Order: 9:06 a.m.

Opening ceremony: Frank Bernard

Closed Session: yes

Council Present: Councilor Frank Bernard, Councilor David Harrington, Councilor Dexter McNamara, Councilor Emily Proctor, Councilor Julie Shananaquet, Councilor Shanna Wemigwase, Secretary Tamara Kiogima, Legislative Leader Fred Harrington

Absent: Treasurer Marcella Reyes

Legislative Office Staff Present: Legislative Services Attorney Donna Budnick, Legislative Office Manager Michele Portman-LaCount, Sr. Financial Analyst Rachel Cope

Executive Officials and Staff Present: Direct Services Administrator Phil Harmon, Human Resources Director Denise Petoskey, Billy Jo Head is the new Community Health Specialist Chief Financial Officer Carrie Carlson, Language Director Carla Osawamick, Spring Grant Project Coordinator Angie Woodin

Judicial Officials and Staff: none

Public: Andrew Stich

Invited Guest: Renee Dillard

Legislative Leader Harrington mentioned it is important that we know each other so he introduced himself so requested Roll Call through Tribal Council introduction. All Tribal Council Introduced themselves as well.

Motion made by Councilor Shananaquet and supported by Councilor McNamara to dedicate this meeting in honor of the following Citizen(s) who have walked on: Peter Delbert Nadeau and Theodore Sky-Eagle, Jr.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Treasurer Reyes)

Motion carried.

Motion made by Secretary Kiogima and supported by Councilor Harrington to adopt the agenda as amended for September 28, 2017.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Treasurer Reyes)

Motion carried.

1 **9:30 a.m. Introduction of new Tribal Government Employees:** Cory
2 Bennington Spring Grant previous Out Reach worker and now a Tech; and Billy
3 Jo Head is the new Community Health Specialist starting October 1, 2017.
4

5 **Legislative Leader Harrington:** Discussion regarding Certified Motions versus
6 Resolutions and asked for each Tribal Council to provide opinion, which Tribal
7 Council did.
8

9 **11:51 a.m. Public Comment opened:**

- 10 - Andrew Stich asked Tribal Council if they have decided to have a
11 meeting on a weekend yet; and asked if Tribal Council knows their
12 Public Comment Policy and the limitation for comments.

13 **12:00 p.m. Public Comment closed.**
14

15 **12:04 p.m. Lunch**

16 **1:39 p.m. Returned**
17

18 **1:36 p.m. Anishinaabemowin – Wasson**
19

20 **Motion** made by Councilor Harrington and supported by Councilor Wemigwase
21 to approve the morning and afternoon session Regular Meeting Minutes of
22 September 14, 2017 as presented.

23 Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Treasurer Reyes)

24 Motion carried.
25

26 **Executive Report: as presented in the written Executive Oversight Report:**
27

28 **Discussion:**

- 29 - Meeting with Governor regarding our Treaty fishing rights.
30 - Mackinaw City Tribal Art Work
31 - Did not receive the grant for the Wellness Center due to affordable
32 housing grants taking precedence with funding source.
33

34 **Motion** made by Councilor McNamara and supported by Councilor Wemigwase
35 to acknowledge the written Executive Report as presented by Chairperson
36 Regina Gasco Bentley and Direct Services Administrator Phil Harmon

37 Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Treasurer Reyes)

38 Motion carried.
39

40 **Legislative Officer Reports:**
41

42 Legislative Leader Report

43 **Discussion:** Receipt of Executive Vetoes
44

45 **Motion** made by Councilor Wemigwase and supported by Councilor Bernard to
46 acknowledge receipt of the Executive Veto for the Ethics Committee Resolution
47 as a valid veto.

1 Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Treasurer Reyes)
2 Motion carried.

3
4 Secretary Report

5 Documents Delivered to Executive: none
6 Phone Polls: none
7

8 Discussion regarding Vetoes: *(Tribal Council has 90 days to override Executive veto)*
9 Legislative Leader Harrington asked if any Tribal Councilor would like to motion
10 to override any of the vetoes as listed below:

- 11
- 12 - 06/30/17 Vetoes Constitutionally Mandated Qualifications of Tribal Chair,
13 Vice-Chair and TC Members Statute.
- 14 - 06/30/17 Vetoes 060817-01 Resolution Banning the Use of
15 Neonicotinoids and Glyphosate on Tribal Lands.
- 16 - 07/21/17 Vetoes Resolution 062217-02 Ad-hoc Land Management Office
17 Committee.
- 18 - 08/14/17 Vetoes Housing Department and Housing Commission Statute.
19

20 **Motion** made by Councilor Wemigwase and supported by Councilor Proctor to
21 accept Secretary Kiogima report for September 28, 2017.

22 Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Treasurer Reyes)
23 Motion carried.

24
25 **Motion** made by Councilor Shananaquet and supported by Councilor Harrington
26 to override 07/21/17 Executive Vetoes Resolution 062217-02 Ad-hoc Land
27 Management Office Committee.

28 Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Treasurer Reyes)
29 Motion carried.

30
31 Treasurer Report

32 Discussion: Councilor McNamara and Councilor Wemigwase Appropriations and
33 Finance Committee members provided verbal report regarding action items.
34

35 Appropriations and Finance Committee

- 36 - Last meeting: September 19, 2017
- 37 - Next Meeting: October 5, 2017 1:00 p.m. in Tribal Council Chambers
38

39 Public comment opened:

- 40
- 41 - Citizen Andrew Stich mentioned housing issues and need for land
42 management; and asked if Tribal Council would let Tribal Citizens ask
43 questions during appointed or elected official vacancy interviews for
44 positions; and what can we do for youth since wellness center grant was
45 denied.
46

- Citizen Michele Portman-LaCount spoke regarding prescription type services with regard to clinic closures for holidays and what is the overall notification process for patients; support for a rental management division for housing maintenance, the housing policy for issuing notices to quit on our rental units; and the posting of jobs that require eligibility to work based on our Tribal government insurance carrier criteria.
- Citizen Aaron Otto spoke in support of the need for a land management company to avoid disrepair of our property including Camping maintenance through a parks and recreation division of a land management company; would also like to see a change in compensation for Tribal Councilors to be able to receive Tribal insurance.

3:17 p.m. Public Comment closed.

Treasurer Report-Continued

Further discussion by Councilor McNamara and Councilor Wemigwase Appropriations and Finance Committee members provided verbal report regarding action items.

Motion made by Councilor Harrington and supported by Councilor Proctor to accept the Treasurer report as presented by Councilor McNamara and Councilor Wemigwase for September 28, 2017.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Treasurer Reyes)

Motion carried.

Land and Reservation Committee

-Last meeting: September 8, 2017

-Next meeting: October 6, 2017 9:00 a.m. in Tribal Council Chambers

Discussion: Obtained Land Parcel 106 which is on Cemetery Road adjacent to the north side of the Casino.

Motion made by Councilor Shananaquet and supported by Councilor Wemigwase to accept the Land and Reservation Committee Report as presented by Councilor Harrington.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Treasurer Reyes)

Motion carried.

Ethics Committee:

Discussion regarding the dissolve of the Ethics Committee and what is the next step.

Last meeting: September 12, 2017

Motion made by Councilor Shananaquet and supported by Councilor Harrington to accept the Ethic's Committee report for September 28, 2017.

1 Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Treasurer Reyes)
2 Motion carried.

3
4 **3:10 p.m.** Break

5 **3:28 p.m.** Resume

6
7 **Tribal Council Member Reports**

8
9 Councilor Wemigwase spoke regarding the Elder's travel; the 50/50 raffle at the
10 Pow Wow; concern regarding the Gaming Enterprise Board on September 11,
11 2017 and the Board's reportability to Tribal Council; Attendance at the Natural
12 Resources commission September 25, 2017 Meeting and the last Gaming
13 Enterprise Board and Regulator Combined Meeting.

14
15 **Motion** made by Councilor Shananaquet and supported by Councilor Proctor to
16 accept Councilor Wemigwase Tribal Council Member Report for September 28,
17 2017.

18 Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Treasurer Reyes)
19 Motion carried.

20
21 Councilor McNamara discussion regarding Tribal Council vacancy process and
22 add the review of the Policy and Procedures for Appointment for Vacancy to
23 Tribal Council to the next work session.

24
25 **Motion** made by Councilor Proctor and supported by Councilor Shananaquet to
26 accept Councilor McNamara Tribal Council Member report.

27 Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Treasurer Reyes)
28 Motion carried.

29
30 **Motion** made by Secretary Kiogima and supported by Councilor Shananaquet to
31 amend agenda to move Section 14. Roll Call, b. i. and iii. to Section 14. a.
32 Motions, and to add Tribal Council Member Reports- Kiogima and change other
33 items of business on the agenda from closed session personnel to closed
34 session for confidential business Matters.

35 Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Treasurer Reyes, Councilor
36 McNamara)

37 Motion carried.

38
39 **Secretary Kiogima** report on Ziibimijwang farm tour and asks Citizens to be
40 patience as the farm is progressing as fast as it is able.

41
42 **Motion** made by Councilor Shananaquet and supported by Councilor Proctor to
43 accept Secretary Kiogima Tribal Council member report for September 28, 2017.

44 Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Treasurer Reyes, Councilor
45 McNamara)

46 Motion carried.

1 Tribal Historic Preservation Officer -no report

2
3 Legislative Services Attorney Report

4 **Motion** made by Secretary Kiogima and supported by Councilor Shananaquet to
5 acknowledge receipt of Legislative Services Attorney Budnick's report for
6 September 28, 2017.

7 Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Treasurer Reyes, Councilor
8 McNamara)
9 Motion carried.

10
11 Enjinaaknegeng – no report.

12
13 Legislative Office Manager Report

14 **Motion** made by Secretary Kiogima and supported by Councilor Proctor to
15 accept Legislative Office Manager Portman-LaCount's report as presented on
16 September 28, 2017.

17 Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Treasurer Reyes, Councilor
18 McNamara)

19 Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Treasurer Reyes, Councilor
20 McNamara)

21 Motion carried.

22
23 Office of Finance and Revenue Report

24 **Motion** made by Councilor Shananaquet and supported by Councilor Harrington
25 to accept Sr. Financial Analyst Rachel Cope's report as presented on September
26 28, 2017.

27 Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Treasurer Reyes, Councilor
28 McNamara)

29 Motion carried.

30
31 **Motion** made by Councilor Harrington and supported by Councilor Proctor to
32 accept Tamara Kiogima's resignation dated September 1, 2017 from Odawa
33 Economic Development Management, Inc., and update the Charter to reflect the
34 same.

35 Vote: 6 - Yes, 0 - No, 1 – Abstained (Secretary Kiogima), 2 – Absent (Treasurer
36 Reyes, Councilor McNamara)

37 Motion carried.

38
39 **Motion** made by Councilor Shananaquet and supported by Councilor
40 Wemigwase to acknowledge receipt of the Gaming Enterprise Board July and
41 August 2017 Monthly Budget and Expenditure Reports, and the Odawa Casino
42 Resort July and August 2017 Monthly Reports.

43 Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Treasurer Reyes, Councilor
44 McNamara)

45 Motion carried.

Motion made by Councilor Harrington and supported by Councilor Shananaquet to approve Certified Motion 092817-01: Request for Funding from U. S. Department of Housing and Urban Development Native American Housing Assistance and Self-Determination Act (NAHASDA) Indian Housing Block Grant Program FY 2018.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Treasurer Reyes, Councilor McNamara)

Motion carried.

Motion made by Councilor Shananaquet and supported by Councilor Wemigwase to approve Certified Motion 092817-02: Funding from the U.S. Department of Health and Human Services Indian Health Service Little Traverse Bay Bands of Odawa Indians 2017 Annual Funding Agreement, Award Increase Mod 17-1.

Vote: 6 - Yes, 0 - No, 1 – Abstained (Legislative Leader Harrington), 2 – Absent (Treasurer Reyes, Councilor McNamara)

Motion carried.

Corporate Charters and/or Board Updates

Odawa Economic Development Management, Inc.-no report

Traditional Tribal Burial Board, Inc.-no report.

Ziibimijwang, Inc.-no report

Motion made by Councilor Harrington and supported by Councilor Shananaquet to adopt Tribal Resolution: Approval of the FY 2018 – FY Tribal Transportation Improvement Plan.

Roll Call: Councilor Bernard–yes, Councilor Harrington–abstained, McNamara–absent, Councilor Proctor–yes, Councilor Shananaquet–yes, Councilor Wemigwase–yes, Treasurer Reyes–absent, Secretary Kiogima–yes, Legislative Leader Harrington–yes

Motion carried.

Motion made by Councilor Wemigwase and supported by Councilor Harrington to adopt Tribal Resolution: Use of 3rd Party Support Revenues for Tribal Pharmacy in the Amount of \$292,000.00.

Roll Call: Councilor Bernard–yes, Councilor Harrington–yes, McNamara–absent, Councilor Proctor–yes, Councilor Shananaquet–yes, Councilor Wemigwase–yes, Treasurer Reyes–absent, Secretary Kiogima–yes, Legislative Leader Harrington–yes

Motion carried.

Motion made by Councilor Wemigwase and supported by Councilor Shananaquet to adopt Tribal Resolution; Budget Modification for Detention Costs.

Roll Call: Councilor Bernard–yes, Councilor Harrington–no, McNamara–absent, Councilor Proctor–yes, Councilor Shananaquet–yes, Councilor Wemigwase–yes,

1 Treasurer Reyes-absent, Secretary Kiogima–yes, Legislative Leader Harrington–
2 no

3 Motion carried.

4
5 **Motion** made by Councilor Shananaquet and supported by Councilor Harrington
6 to adopt Tribal Resolution: In Opposition to the Proposed Graham-Cassidy-
7 Heller-Johnson Legislation.

8 Roll Call: Councilor Bernard–yes, Councilor Harrington–yes, McNamara–absent,
9 Councilor Proctor–yes, Councilor Shananaquet–yes, Councilor Wemigwase–yes,
10 Treasurer Reyes-absent, Secretary Kiogima–yes, Legislative Leader Harrington–
11 yes

12 Motion carried.

13
14 **Motion** made by Councilor Shananaquet and supported by Secretary Kiogima to
15 adopt Tribal Resolution: Supplemental funding for Tribal Historic Preservation
16 Office in the amount of \$15,058.00 with funding to come from General Fund,
17 Fund Balance Supplemental Funding.

18 Roll Call: Councilor Bernard–yes, Councilor Harrington–yes, McNamara–absent,
19 Councilor Proctor–yes, Councilor Shananaquet–yes, Councilor Wemigwase–yes,
20 Treasurer Reyes-absent, Secretary Kiogima–yes, Legislative Leader Harrington–
21 yes

22 Motion carried.

23
24 **5:31 p.m. Motion** made by Councilor Shananaquet and supported by Councilor
25 Wemigwase to go into closed session for Confidential Business Matters.

26 Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Treasurer Reyes, Councilor
27 McNamara)

28 Motion carried.

29
30 **6:12 p.m. Motion** made by Councilor Harrington and supported by Councilor
31 Shananaquet Motion to return to open session.

32 Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Treasurer Reyes, Councilor
33 McNamara)

34 Motion carried.

35
36 **Motion** made by Councilor Wemigwase and supported by Councilor
37 Shananaquet for the Gaming Enterprise Board to submit the following
38 information for Odawa Casino Resort-Petoskey to Tribal Council within 10
39 business days; monthly: revenue, door counts, machine counts, win per unit/per
40 day, EBIDTA for Fiscal years 2011-present.

41 Vote: 6 - Yes, 0 - No, 1 – Abstained (Councilor Harrington), 2 – Absent
42 (Treasurer Reyes, Councilor McNamara)

43 Motion carried.

44
45 Discussion on the September 25, 2017 Gaming Regulatory and Gaming
46 Enterprise Board meeting topic of Surveillance.

1 **Adjournment:**

2 **6:27 p.m.** Motion made by Councilor Harrington and supported by Councilor
3 Proctor to adjourn.

4 Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Treasurer Reyes, Councilor
5 McNamara)

6 Motion carried.

7
8
9 Next Tribal Council Meeting
10 Regular: October 12, 2017

11
12 These Minutes have been read and are approved as corrected/written.
13

14
15 _____
16 Tamara Kiogima, Tribal Council Secretary

Date